

1 H. TIM HOFFMAN (STATE BAR NO. 49141)
ARTHUR W. LAZEAR (STATE BAR NO. 83603)
2 CHAD A. SAUNDERS (STATE BAR NO. 257810)
HOFFMAN & LAZEAR
3 180 Grand Avenue, Suite 1550
Oakland, CA 94612
4 Telephone: (510) 763-5700; Facsimile: (510) 835-1311

5 NEWMAN STRAWBRIDGE (STATE BAR NO. 171360)
LAW OFFICE OF NEWMAN STRAWBRIDGE
6 719 Orchard Street
Santa Rosa, CA 95404
7 Telephone: (707) 523-3377

8 CAMERON CUNNINGHAM (STATE BAR NO. 75593)
LAW OFFICE OF CAMERON CUNNINGHAM
719 Orchard Street
9 Santa Rosa, CA 95404
Telephone: (707) 829-9194

10 Attorneys for Plfs. Brian King, Matthew Smelser,
11 and Dawn Cone

12 LYNNE C. HERMLE (STATE BAR NO. 99779)
lchermle@orrick.com
13 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
14 Menlo Park, CA 94025
Telephone: (650) 614-7400; Facsimile: (650) 614-7401

15 JULIE A. TOTTEN (STATE BAR NO. 166470)
jatotten@orrick.com
16 SARA E. DIONNE (STATE BAR NO. 221326)
sdionne@orrick.com
17 ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall
18 Sacramento, CA 95814-4497
Telephone: (916) 447-9200; Facsimile: (916) 329-4900

19 Attorneys for Defendants LUXOTTICA RETAIL NORTH
20 AMERICA, INC. D/B/A LENSRAFTERS, INC.

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 BRIAN KING, MATTHEW SMELSER and DAWN
CONE, individuals, on behalf of themselves and all
24 other similarly situated,

25 Plaintiffs,

26 v.

27 LENSRAFTERS, INC., LUXOTTICA GROUP
S.P.A. and Does 1 through 100,

28 Defendants.

Case No. 3:09-cv-03081-SI

**STIPULATION AND
[PROPOSED] ORDER FOR
DISMISSAL**

STIPULATION

IT IS HEREBY STIPULATED by and between all parties appearing in this action through their designated counsel that all individual claims of Plaintiffs BRIAN KING, DAWN CONE and MATTHEW SMELSER in the above-captioned action be and hereby are dismissed with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. THE PARTIES FURTHER STIPULATE that all class and representative claims brought on behalf of others similarly situated in the above-captioned action be and hereby are dismissed without prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party shall bear their own attorneys' fees and costs.

Dated: July 2, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Julie A. Totten
 Julie A. Totten
 Attorneys for LUXOTTICA RETAIL NORTH
 AMERICA, INC. D/B/A LENS CRAFTERS,
 INC.

Dated: July 2, 2010

HOFFMAN & LAZEAR

By: /s/ Chad A. Saunders
 Chad A. Saunders
 Attorneys for Plaintiffs

Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this stipulation from all parties whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.

/s/ Julie A. Totten
 Julie A. Totten

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2010. _____

Hon. Susan Y. Illston
United States District Judge